

## **EXHIBIT 1**

## **CUSTODIANS AND SEARCH TERMS**

### **I. CUSTODIANS PROPOSED BY DEFENDANTS**

#### **A. DHS HQ**

1. Rob Law, Senior Counselor
2. Jimmy Percival, Senior Advisor
3. Tony Pham, Assistant Secretary for Border and Immigration Policy in the Department of Homeland Security's Office of Strategy, Policy and Plans

#### **B. USCIS**

1. Jennifer Higgins, Director (or Senior Official Performing the Duties of the Director) – search b/n Jan 20, 2025 – Feb. 8, 2025
2. Kika Scott, Director (or Senior Official Performing the Duties of the Director – search b/n Feb. 9, 2025 – Feb. 24, 2025
3. Joe Edlow, Senior Advisor (nominated to be USCIS Director)
4. Samantha Deshommes, Chief of Office of Policy and Strategy (OP&S)
5. Connie L Nolan, Associate Director, Service Center Operations Directorate
6. Andrew Davidson, Acting Deputy Director of USCIS

## II. CUSTODIANS PROPOSED BY PLAINTIFFS

### A. STIPULATED CUSTODIANS

#### 1. Robert “Rob” Law, DHS Senior Counselor and Nominee for DHS Undersecretary, Office of Strategy, Policy, and Plans

Mr. Law’s stated title in the DHS Record of Clearance and Approval Notice is “Senior Counselor.”<sup>1</sup> He has since been nominated Under Secretary for Strategy, Policy, and Plans, a position that also plays a material role in TPS decision-making, and coordinates across Headquarters and DHS components.<sup>2</sup> Mr. Law led Trump’s DHS landing team, tasked with preparing changes to immigration policies.<sup>3</sup> He was also heavily involved with TPS decisions during the first Trump administration, during which he served as a senior policy advisor and Chief of USCIS OP&S.<sup>4</sup>

#### 2. James “Jimmy” Percival, DHS Senior Advisor and General Counsel Nominee

Mr. Percival’s stated title in the DHS Record of Clearance and Approval Notice is “Senior Advisor.”<sup>5</sup> Mr. Percival has since been nominated for DHS General Counsel, where the Office of General Counsel (OGC) is listed as “Lead Component” in the Record of Clearance and Approval for the Haiti Partial Vacatur.<sup>6</sup>

#### 3. Tony Pham, Assistant Secretary for Border and Immigration Policy, DHS Office of Strategy, Policy, and Plans

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<sup>1</sup> Dept. of Homeland Security Record of Clearance and Approval for the TPS Haiti Partial Vacatur (Feb. 14, 2025). See **Exhibit 4**.

<sup>2</sup> *Donald Trump Has Picked 295 Nominees to Fill Key Roles in His Administration So Far*, WASH. POST, <https://www.washingtonpost.com/politics/interactive/2025/trump-appointee-tracker/> (accessed May 6, 2025); @Ellen Gilmer, X (Apr. 30, 2025, 7:08 AM), <https://x.com/ellengilmer/status/1917581913482559993>.

<sup>3</sup> Betsy Woodruff Swan & John Sakellariadis, *Trump Transition Launches DHS Landing Team Full of First-Term Alums*, POLITICO (Dec. 16, 2024), <https://www.politico.com/live-updates/2024/12/16/congress/dhs-landing-team-starts-work-00194494>.

<sup>4</sup> *About Robert Law*, AMERICA FIRST POLICY INSTITUTE, <https://www.americafirstpolicy.com/team/robert-law> (last visited May 6, 2025) (listing prior and current roles); *Ramos v. Nielsen*, 336 F. Supp. 3d 1075, 1104 (N.D. Cal. 2018) (discussing Mr. Law’s correspondence and role regarding TPS Haiti Decisions); *Saget v. Trump*, 375 F. Supp. 3d 280, 351-352 (E.D.N.Y. 2019) (similar); Plaintiffs’ Letter Brief, Dkt. 58 at 1, *Ramos v. Nielsen*, No. 18-cv-01554-EMC (N.D. Cal. Aug. 6, 2018) (describing Mr. Law’s role in TPS decisions); *Robert Law*, CTR. FOR IMMIGRATION STUDIES, <https://cis.org/Law> (last visited May 7, 2025)..

<sup>5</sup> See Haiti Partial Vacatur AR\_0164

<sup>6</sup> PN 26-37 – James Percival – Department of Homeland Security, CONGRESS.GOV, <https://www.congress.gov/nomination/119th-congress/26/37> (last visited May 6, 2025).

Tony Pham is Assistant Secretary for Border and Immigration Policy, a role he has held since February 6, 2025.<sup>7</sup>

**4. Jennifer Higgins, former USCIS Director (*recently transferred*)**

Ms. Higgins was the USCIS Director from 2022 until early 2025.<sup>8</sup> The USCIS Director is responsible for providing a TPS recommendation to the DHS Secretary during a periodic review process. Ms. Higgins previously served as Associate Director of RAIO, temporary Chief of Staff, Deputy Director, and Acting Director of USCIS.<sup>9</sup>

**5. Kika Scott, USCIS Director**

Ms. Scott was appointed as the USCIS Director on February 9, 2025.<sup>10</sup> Prior to taking on this position, she served as Chief Financial Officer for USCIS from 2019 until 2025.<sup>11</sup> If USCIS prepared a Decision Memo for Haiti, as is typical for TPS periodic reviews, she would have been responsible for reviewing it and making the recommendation to the DHS Secretary.<sup>12</sup> Because of her longstanding leadership role at USCIS, and her promotion to USCIS Director immediately after the challenged Venezuela actions, she likely also played a role in those decisions.

**6. Joe Edlow, Senior Advisor, USCIS Director Nominee**

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<sup>7</sup> *Tony H. Pham*, DEP'T. OF HOMELAND SECURITY, <https://www.dhs.gov/person/tony-h-pham> (last visited May 6, 2025); Ellen M. Gilmer, *Homeland Security Names Former Trump Official to Key Policy Role*, BLOOMBERG GOV'T (Feb. 6, 2025, 11:15 AM), <https://news.bgov.com/bloomberg-government-news/homeland-security-names-former-trump-official-to-key-policy-role>.

<sup>8</sup> Lubna Kably, *Jennifer Higgins is the New Acting USCIS Director*, THE TIMES OF INDIA (Jan. 25, 2025, 9:31 AM), <https://timesofindia.indiatimes.com/world/us/jennifer-higgins-is-the-new-acting-uscis-director/articleshow/117430335.cms>.

<sup>9</sup> *See id.*; Alex Thompson & Daniel Lippman, *Homeland Security Chief Of Staff Abruptly Resigns*, POLITICO (Sep. 13, 2021, 11:44 AM) <https://www.politico.com/news/2021/09/13/dept-of-homeland-security-chief-of-staff-abruptly-resigns-511650>; Jennifer Higgins, WASHINGTON HOMELAND SECURITY ROUNDTABLE, <https://www.whsroundtable.org/bio-jennifer-higgins> (last visited May 6, 2025); Andrew Kreighbaum, *New Acting Head Named at US Citizenship and Immigration Services*, BLOOMBERG LAW (JAN. 31, 2025, 10:06 AM), <https://news.bloomberglaw.com/daily-labor-report/new-acting-head-named-at-us-citizenship-and-immigration-services>.

<sup>10</sup> *Kika Scott*, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, <https://www.uscis.gov/about-us/organization/leadership/kika-scott-senior-official-performing-the-duties-of-the-director-us-citizenship-and-immigration> (last visited May 6, 2025).

<sup>11</sup> *Id.*

<sup>12</sup> *See infra* (“Jennifer Higgins,” with a description of the role of the USCIS Director in TPS decisionmaking).

Mr. Edlow was nominated to serve as the USCIS Director on March 10, 2025.<sup>13</sup> He served as the Deputy Director for Policy at USCIS from 2020 to 2021, and also was selected as Acting Director of USCIS at the end of the first Trump administration.<sup>14</sup>

**7. Samantha Deshommes, USCIS Chief of Office of Policy and Strategy**

Ms. Deshommes was named Acting Chief of USCIS Office of Policy and Strategy on January 20, 2025.<sup>15</sup> Given the timeline of her appointment, she would typically be leading the USCIS process for drafting the Decision Memo that contains USCIS's recommendations on what to do about a TPS designation. She previously served as the Chief of the Regulatory Coordination Division at OP&S during the *Ramos* litigation and in early 2025.<sup>16</sup> She is listed as the contact person on the Federal Register Notices for the three challenged decisions, at which time her title was listed as USCIS OP&S Regulatory Coordination Division Chief.<sup>17</sup>

**8. Connie Nolan, Associate Director, Service Center Operations Directorate**

**9. Andrew Davidson, Acting Deputy Director of USCIS**

**B. PLAINTIFFS' PROPOSED CUSTODIANS NAMED IN DHS RECORD OF CLEARANCE AND APPROVAL FOR DHS PARTIAL VACATUR OF HAITI**

As part of the CAR, DHS has produced only one Record of Clearance and Approval for any of the three challenged agency actions—the Haiti Partial Vacatur. *See Exhibit 4.* Aside from the Secretary, all individuals named on the Haiti Partial Vacatur Clearance and Approval Document listed as their title “Advisor” and “Counselor.” None were, at the time of the review, in official positions typically responsible for overseeing the TPS decisionmaking process. The people listed below are among the eight signatories to the DHS “Record of Clearance and Approval” for the Haiti Partial Vacatur decision.<sup>18</sup> They have thus all been involved in TPS

<sup>13</sup>PN 26-15 – Joseph Edlow – Department of Homeland Security, CONGRESS.GOV, <https://www.congress.gov/nomination/119th-congress/26/15> (last visited May 7, 2025).

<sup>14</sup> Kalyna White, *White House Taps Joseph Edlow for USCIS Director*, HOMELAND SECURITY TODAY (Mar. 12, 2025), <https://www.hstoday.us/subject-matter-areas/customs-immigration/white-house-taps-joseph-edlow-for-uscis-director/>.

<sup>15</sup> *Samantha Deshommes*, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, <https://www.uscis.gov/about-us/organization/leadership/samantha-deshommes-acting-chief-office-of-policy-strategy> (last visited May 6, 2025).

<sup>16</sup> *See id.*

<sup>17</sup> 90 Fed. Reg. 8805, 8806 (Feb. 3, 2025) (Vacatur of TPS for Venezuela); 90 Fed. Reg. 9040, 9040 (Feb. 5, 2025) (Termination of 2025 Designation of TPS for Venezuela); 90 Fed. Reg. 10511, 10,511 (Feb. 24, 2025) (Partial Vacatur of TPS for Haiti).

<sup>18</sup> *See* Haiti Partial Vacatur AR\_0164.

decision-making during the period immediately after President Trump's inauguration, and Secretary Noem's confirmation.

**1. Kristi Noem, DHS Secretary**

The Secretary is tasked with making the formal decision as to TPS designations and periodic review and will therefore be in possession of relevant documents and communications. In *Ramos v. Nielsen*, Acting Secretary Duke and Secretary Nielsen were identified by Defendants as custodians.<sup>19</sup>

**2. Corey Lewandowski, DHS Chief Advisor**

Mr. Lewandowski's stated title in the DHS Record of Clearance and Approval Notice is "Chief Advisor."<sup>20</sup> He has thus clearly been involved in TPS decision-making during the period immediately after President Trump's inauguration, and Secretary Noem's confirmation. He is reportedly serving as de facto Chief of Staff to Secretary Noem, and that position is formally unfilled.<sup>21</sup>

**3. Troy Edgar, DHS Deputy Secretary and formerly Senior Advisor**

Mr. Edgar's stated title in the DHS Record of Clearance and Approval Notice is "Senior Advisor."<sup>22</sup> He was confirmed on March 6, 2025 as the DHS Deputy Secretary, directly reporting to Secretary Noem.<sup>23</sup>

**4. Joseph Mazzara, DHS Senior Advisor and Acting General Counsel**

Mr. Mazzara's stated title in the DHS Record of Clearance and Approval Notice is "Senior Advisor."<sup>24</sup> He is also Acting General Counsel, where the OGC is listed as

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<sup>19</sup> Defendants' Letter Brief, Dkt. 56 at 2, *Ramos v. Nielsen*, No. 18-cv-01554-EM (N.D. Cal. Aug. 6, 2018).

<sup>20</sup> See Haiti Partial Vacatur AR\_0164.

<sup>21</sup> Tarini Parti et al., *How Corey Lewandowski Became Kristi Noem's Gatekeeper at DHS*, WALL ST. J., (Apr. 17, 2025, 9:09 PM), <https://www.wsj.com/politics/policy/how-corey-lewandowski-became-kristi-noems-gatekeeper-at-dhs-6c08d996>.

<sup>22</sup> See Haiti Partial Vacatur AR\_0164.

<sup>23</sup> *US Senate Confirms Troy Edgar as Deputy Secretary of the Department of Homeland Security*, DEPARTMENT OF HOMELAND SECURITY, <https://www.dhs.gov/news/2025/03/06/us-senate-confirms-troy-edgar-deputy-secretary-department-homeland-security> (March 6, 2025).

<sup>24</sup> See Haiti Partial Vacatur AR\_0164.

“Lead Component” in the Record of Clearance and Approval for the Haiti Partial Vacatur.<sup>25</sup> Defendants identified various officials at the OGC as custodians in *Ramos*.<sup>26</sup>

## C. PLAINTIFFS’ OTHER PROPOSED DHS & USCIS CUSTODIANS

### 1. Andrew Davidson, USCIS Front Office

Mr. Davidson was appointed to Acting Deputy Director of USCIS on January 26, 2025.<sup>27</sup> Previously, he served as Deputy Associate Director within the Service Center Operations Directorate (SCOPS).<sup>28</sup> As Acting USCIS Deputy Director at the time of the all three of the challenged agency actions, he was likely directly involved in making recommendations regarding the TPS decisions at issue.

### 2. Michael McDermott, USCIS Front Office

Mr. McDermott is currently a Senior Advisor in the Director’s Office of USCIS.<sup>29</sup> He is currently responsible for reviewing TPS streamline case processing and TPS prima facie eligibility pursuant to Executive Order 14165.<sup>30</sup>

### 3. Karine Noncent, Senior Advisor, USCIS Office of Policy and Strategy

Ms. Noncent has been a Senior Advisor at OP&S since April 2021<sup>31</sup> OP&S Senior Advisors tasked with TPS play a material role in drafting, reviewing, and advising on TPS Decision Memos and Federal Register notices.<sup>32</sup>

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<sup>25</sup> U.S. Gov’t Accountability Off., GAO-20-134, *Temporary Protected Status: Steps Taken to Inform and Communicate Secretary of Homeland Security’s Decisions*, 31 (2020) (“GAO-20-134”)

<sup>26</sup> Defendants’ Letter Brief, Dkt. 56 at 2, *Ramos v. Nielsen*, No. 18-cv-01554-EMC (N.D. Cal. Aug. 6, 2018) (defendants identifying as custodians Joseph Maher, Dimple Shah, Nader Baroukh).

<sup>27</sup> *Andrew Davidson*, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, <https://www.uscis.gov/about-us/organization/leadership/andrew-j-davidson-acting-deputy-director-uscis> (last visited May 6, 2025).

<sup>28</sup> *Id.*

<sup>29</sup> Defendants’ Status Report, *Mansor v. USCIS*, No. 2:23-cv-347 (W.D. Wash. Mar. 14, 2025).

<sup>30</sup> Declaration of Michael McDermott, *Mansor v. USCIS*, No. 2:23-cv-347 (W.D. Wash. Mar. 14, 2024).

<sup>31</sup> Karine Noncent, LINKEDIN, <https://www.linkedin.com/in/karine-noncent-91909b44> (last visited May 6, 2025).

<sup>32</sup> Plaintiffs’ Letter Brief, Dkt. 58 at 2, *Ramos v. Nielsen*, 18-cv-01554-EMC (N.D. Cal. Aug. 6, 2018) (Plaintiffs identified former USCIS Senior Advisor Laurence Levine, who is in the same role as Ms. Noncent, as one of 7 supplemental custodians based on information that confirmed his central role in TPS decisionmaking).

**4. Rena Cutlip Mason, Chief of Humanitarian Affairs Division of USCIS Office of Policy and Strategy**

Ms. Cutlip-Mason is currently the Chief of the Humanitarian Affairs Division of the Office of Policy and Strategy, a position she has held since November 2021.<sup>33</sup> In *Ramos*, this position was identified by a 30(b)(6) deponent as a TPS subject matter expert for the agency, responsible for drafting the Decision Memos and Federal Register Notices.<sup>34</sup> She is listed as the contact person on the Federal Register Notices for TPS before and after the challenged actions, including for both of the most recent TPS decisions extending TPS for Venezuela and Haiti (which Secretary Noem vacated and partially vacated), and also the more recent TPS decision extending TPS for South Sudan because of the failure of the agency to make a timely decision.<sup>35</sup> She is not, however, listed as the contact person in the Federal Register Notice for the three challenged decisions, suggesting a deviation from the standard process.

**5. Sasha Ridley, Humanitarian Affairs Division of USCIS Office of Policy and Strategy**

Ms. Ridley is currently employed at USCIS in the Humanitarian Affairs Division of the Office of Policy & Strategy, responsible for preparing the Decision Memos and Federal Register Notices.

**6. Robert Paschall, former (Acting) DHS Under Secretary for the Office of Strategy, Policy, and Plans; current DHS Deputy Under Secretary**

Mr. Paschall was the Acting Under Secretary for Strategy, Policy, and Plans (DHS Office of Policy) in January 2025 until sometime in February 2025.<sup>36</sup> He remained a part of the Office as Deputy Under Secretary. Based on DHS' public website, it is unclear whether Mr. Paschall remains as Deputy Under Secretary, working in conjunction with John Gountains, or has been replaced by Mr. Gountains.<sup>37</sup> In *Ramos*, defendants identified officials who served as the Under Secretary for the DHS Office of Policy as custodians.<sup>38</sup>

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<sup>33</sup> Rena Cutlip-Mason, LINKEDIN, <https://www.linkedin.com/in/rena-cutlip-mason-b716225> (last visited May 7, 2025).

<sup>34</sup> See Plaintiffs' Letter Brief, Dkt. 58 at 2, *Ramos v. Nielsen*, No. 18-cv-01554-EMC (N.D. Cal. Aug. 6, 2018) (describing Brandon Prolegar's role in TPS decisions, when he was Chief of the USCIS OP&S Humanitarian Affairs Division; and identifying him as one of seven supplemental custodians following a 30(b)(6) deposition).

<sup>35</sup> 89 Fed. Reg. 54,484 (July 1, 2024) (Extension of TPS for Haiti); 90 Fed. Reg. 5961 (Jan. 17, 2025) (Extension of TPS for Venezuela); 90 Fed. Reg. 19217 (May 6, 2025) (6-Month Automatic Extension of TPS for South Sudan).

<sup>36</sup> Robert Paschall, LINKEDIN, <https://www.linkedin.com/in/paschall/> (last visited May 6, 2025).

<sup>37</sup> See *id.* But see Leadership, DEP'T OF HOMELAND SECURITY, <https://www.dhs.gov/leadership>.

<sup>38</sup> Defendants' Letter Brief, Dkt. 56 at 2, *Ramos v. Nielsen*, No. 18-cv-01554-EM (N.D. Cal. Aug. 6, 2018).

**7. Christopher C. Pratt, (Acting) DHS Under Secretary, Office of Strategy, Policy, and Plans**

Mr. Pratt is the current senior official performing the duties of the Under Secretary for Strategy, Policy, and Plans.<sup>39</sup> He also serves as the Assistant Secretary for International Affairs.<sup>40</sup>

**8. Ihsan Gunduz, Border and Immigration Policy, DHS Policy Office of Strategy, Policy, and Plans**

Ihsan Gunduz is currently in the Border and Immigration Policy division of the Office of Strategy, Policy, and Plans.<sup>41</sup> He is listed as the contact for a Federal Register notice for the termination of parole processes for Cubans, Haitians, Nicaraguans, and Venezuelans.<sup>42</sup>

**9. Ted Kim, Director [or Associate Director, named or acting], Refugee, Asylum and International Operations Directorate (RAIO), USCIS**

Mr. Kim has served as the Associate Director of RAIO since 2022, and prior to that was Acting Associate Director.<sup>43</sup> During the TPS periodic review process, RAIO produces a Country Conditions Memo for the USCIS Office of Policy & Strategy.<sup>44</sup> USCIS Office of Policy & Strategy relies on the RAIO Country Conditions Memo to prepare the USCIS Decision Memo which the USCIS Director then provides to the DHS Secretary with a recommendation.<sup>45</sup>

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<sup>39</sup> *Christopher C. Pratt*, DEP'T OF HOMELAND SECURITY, <https://www.dhs.gov/person/christopher-c-pratt> (last visited on May 6, 2025).

<sup>40</sup> *Id.*

<sup>41</sup> 90 Fed. Reg. 13611-13622 (March 25, 2025).

<sup>42</sup> *See id.*

<sup>43</sup> *Ted H. Kim*, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, <https://www.uscis.gov/about-us/organization/leadership/ted-h-kim-associate-director-refugee-asylum-and-international-operations-directorate> (last visited May 6, 2025).

<sup>44</sup> GAO-20-134 at 31.

<sup>45</sup> Defendants' Letter Brief, Dkt. 56 at 2, *Ramos v. Nielsen*, No. 18-cv-01554-EM (N.D. Cal. Aug. 6, 2018); GAO-20-134 at 21-22.

### **III. DATE RANGES AND SEARCH TERMS**

#### **Date Ranges and Search Terms Proposed by Defendants**

***A. For the VZ vacatur and termination decision: Date range – Jan 20 – Feb 5***

- [“Temporary Protected Status” or “TPS” or 1254a] AND [Venezuela]
- [“Temporary Protected Status” or “TPS” or 1254a] /p [“Tren de Aragua” or “Tren de Agua” or TdA]

***B. For the HT partial vacatur decision: Date range – Jan 20 – Feb. 24***

- [“Temporary Protected Status” or “TPS” or 1254a] AND [Haiti]

#### **Date Ranges and Search Terms Proposed by Plaintiffs**

***A. For the VZ vacatur and termination decisions: Date range – January 20, 2025 – February 5, 2025***

- [“Temporary Protected Status” or “TPS” or 1254a] AND [Venezuela]
- [“Temporary Protected Status” or “TPS” or 1254a] AND [“Tren de Aragua” or “Tren de Agua” or TdA]

***B. For the HT partial vacatur decision: Date range – January 20, 2025 – February 24, 2025***

- [“Temporary Protected Status” or “TPS” or 1254a] AND [Haiti]

***C. For the VZ vacatur and termination decision: Date range – Jan 20 – Feb 5***

- [“Temporary Protected Status” or “TPS” or 1254a] AND [vacat\*]